



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 21, 2022**, which reads as follows:*

“G.R. No. 246540 (*Donald Arimao y Lazaga v. People of the Philippines*). — Before this Court is a Petition for Review on *Certiorari*,<sup>1</sup> assailing the Decision<sup>2</sup> dated July 13, 2018 and Resolution dated February 12, 2019<sup>3</sup> rendered by the Court of Appeals (CA), which affirmed the Joint Decision<sup>4</sup> dated April 11, 2017 rendered by the Regional Trial Court, Branch 6, Iligan City, Lanao del Norte (RTC). The RTC earlier found Donald Arimao y Lazaga (*Arimao*) guilty of illegal sale and possession of dangerous drugs, and illegal possession of drug paraphernalia, as defined under Sections 5, 11, and 12, Article II of Republic Act No. 9165 (*R.A. No. 9165*).

*Facts*

At around nine o'clock in the morning of October 31, 2014, Police Chief Inspector Shirwen Lapid (*PCI. Lapid*) received a text message from a confidential informant (*CI*) that Arimao is selling dangerous drugs in Celadon Pensionne House. Immediately thereafter, *PCI. Lapid* formed a buy-bust team and called the members for a briefing, where PO3 Albert Reuyan Ungab (*PO3 Ungab*) was designated as the poseur-buyer. Thereafter, the buy-bust team coordinated with the Philippine Drug Enforcement Agency (*PDEA*)<sup>5</sup> and prepared the money that they would be using for the buy-bust operation.<sup>6</sup> At around two o'clock in the afternoon, the police officers staked outside Celadon Pensionne House. The *CI* sent the police officers a message describing what Arimao looks like and what he was wearing. At around six in the evening, the police officers recognized Arimao as he entered the said hotel.

<sup>1</sup> *Rollo*, pp. 10-22.

<sup>2</sup> Penned by Associate Justice Ruben Reynaldo G. Roxas, with Associate Justices Edgardo T. Lloren and Walter S. Ong concurring; *id.* at 24-39.

<sup>3</sup> *Id.* at 40-41.

<sup>4</sup> Penned by Presiding Judge Leonor S. Quiñones; *CA rollo*, pp. 49-59.

<sup>5</sup> Records, Criminal Case No. 17848, p. 12.

<sup>6</sup> *Id.* at 16.

Their CI informed them that they can now conduct the buy-bust operation and that Arimao is staying in Room 201.<sup>7</sup>

Subsequently, PO3 Ungab proceeded to and knocked at Room 201, which door was slightly open. Arimao peeped outside the door and there, PO3 Ungab told him that he wanted to buy *shabu*. Arimao closed the door and opened it again to give PO3 Ungab one small heat-sealed transparent plastic sachet containing white crystalline substance, which was believed to be methamphetamine hydrochloride, or more commonly known as *shabu*. PO3 Ungab then gave him the buy-bust money.<sup>8</sup> Afterwards, PO3 Ungab dropped a handkerchief to signal to the other police officers that the transaction was consummated. Seeing this, the back-up team immediately rushed to Room 201.

The police officers thereafter knocked at Room 201. Again, Arimao slightly opened the door to see who was knocking. Upon seeing the number of police officers outside, he closed the door. The police officers then heard the breaking of a glass. The CI, who was still inside the room, opened the door to let the buy-bust team in. Upon entering, the police officers saw Arimao jumping out of the window so they immediately rushed in pursuit until they caught up with him at the hotel lobby. PO3 Steve Fernandez (*PO3 Fernandez*) frisked Arimao and was able to recover the buy-bust money. Thereafter, the police officers brought him back to Room 201.

The police officers further searched Room 201 and were able to discover another one (1) heat-sealed sachet with white crystalline substance in the toilet. They also found one (1) used foil strip and two (2) rolled foil strips. The police officers first marked the subject of the sale as “BB-DLA.” The plastic sachet found in the toilet inside Room No. 201 was marked as “DLA-1.” The used foil strip was marked as DLA-2 and the two foil strips as “DLA-3” and “DLA-4.” The seized items were marked, inventoried, and photographed inside Room No. 201.<sup>9</sup> These were witnessed, among others, by Junlino Bacus, a representative from the media, and Barangay *Kagawad* Felix Paltingca.<sup>10</sup>

Afterwards, the police officers brought Arimao and the seized items to the police station. There, P/Insp. Lapiz prepared the request<sup>11</sup> for laboratory examination of the seized items. Subsequently, PO3 Fernandez and PO3 Ungab delivered the seized items to the provincial crime laboratory for examination.<sup>12</sup> The seized items were received by the forensic chemist, Police

<sup>7</sup> TSN, August 24, 2016, pp. 3-5.

<sup>8</sup> TSN, August 24, 2016, p. 6.

<sup>9</sup> Records, Criminal Case No. 17848, pp. 13-15.

<sup>10</sup> Certificate of Inventory dated October 31, 2014, *id.* at 19.

<sup>11</sup> Request for Laboratory Examination on Seized Drug Evidence dated October 31, 2014, *id.* at p. 17.

<sup>12</sup> Chain of Custody Form dated October 31, 2014, *id.* at 18.

Inspector Kinthur Tandog (*P/Insp. Tandog*).<sup>13</sup> Upon examination, the seized items gave a positive result to the test for the presence of *shabu*, a dangerous drug, to wit:

**SPECIMEN SUBMITTED:**

**A** – One (1) staple-sealed transparent plastic cellophane with markings “BB-DLA-A” containing one (1) heat-sealed rectangular transparent plastic sachet with markings “BB-DLA”, which further contains **0.0378 gram** of white crystalline substance. xxx

**B** – One (1) staple-sealed transparent plastic cellophane with markings “DLA-A” containing one (1) heat-sealed rectangular transparent plastic sachet with markings “DLA-1”, which further contains **1.0453 gram** of white crystalline substance. xxx

**C** – One (1) staple-sealed transparent plastic cellophane with markings “DLA-B” containing three (3) pieces of aluminum foil strips with markings “DLA-2” to “DLA-4”, which further contain **traces** of white crystalline substance. xxx

Total net weight: **1.0831 gram**

x x x x

**FINDINGS:**

Qualitative examination conducted on the above-stated specimens gave **POSITIVE** result to the test of presence of Methamphetamine Hydrochloride, (*Shabu*), a dangerous drug. xxx

**CONCLUSION:**

Specimens **A-1** (BB-DLA), **B-1** (DLA-1), **C-1** (DLA-2), **C-2** (DLA-3) and **C-3** (DLA-4) contain methamphetamine hydrochloride (*Shabu*), a dangerous drug.<sup>14</sup>

Subsequently, three Informations were filed against Arimao charging him with violation of Sections 5, 11 and 12, Article II of R.A. No. 9165, to wit:

**Information for Crim. Case No. 17847 for Violation of Section 11,  
Article II of R.A. No. 9165**

That on or about October 31, 2014, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, without any authority of law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control, one (1) heat-sealed transparent plastic sachet containing 1.0453 grams of Methamphetamine Hydrochloride commonly known as *shabu*, a dangerous drug.

Contrary to and in Violation of Section 11 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Act of 2002.<sup>15</sup>

<sup>13</sup> *Id.*

<sup>14</sup> Chemistry Report No. D-232-2014 dated November 1, 2014, *id.* at 21.

<sup>15</sup> Records, Criminal Case No. 17847, p. 1.

**Information for Crim. Case No. 17848 for Violation of Section 5,  
Article II of R.A. No. 9165**

That on or about October 31, 2014, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, without any authority of law, did then and there willfully, unlawfully and feloniously sell and deliver one (1) piece small heat-sealed transparent plastic sachet weighing 0.0378 gram of Methamphetamine Hydrochloride, commonly known as *shabu*, a dangerous drug for the amount of Php 200.00.

Contrary to and in violation of Section 5, Article II of Republic Act No. 9165.<sup>16</sup>

**Information for Crim. Case No. 17846 for Violation of Section 12,  
Article II of R.A. No. 9165**

That on or about October 31, 2014, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, without any authority of law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control, one (1) disposable lighter and assorted drug paraphernalia fit or intended for smoking, consuming or introducing Methamphetamine Hydrochloride a dangerous drug commonly known as *shabu*, into the body.

Contrary to and in violation of Section 12 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drug Act of 2002.<sup>17</sup>

Upon arraignment, Arimao interposed a plea of “not guilty.”<sup>18</sup> Arimao denied the charges filed against him. While he admitted that he was in Celadon Pensionne House at the time of the incident, he insisted that he was only there to meet his business partner, Jun Lim (*Lim*). Furthermore, he claimed that the room was booked by Jay Padilla (*Padilla*), who Lim introduced to him only that day. Arimao confessed that he jumped out of the window of Room No. 201, but asserted that he only did so out of fear when he saw a person with a gun at the door.

On April 11, 2017, the RTC rendered a Joint Decision,<sup>19</sup> finding Arimao guilty of illegal sale and possession of dangerous drugs and drug paraphernalia, as defined and penalized under Sections 5, 11, and 12, Article II of R.A. No. 9165.

The RTC did not give credence to Arimao’s argument that the police officers could have mistaken him for someone else. The RTC took note of the fact that while Arimao did not step out of the door, PO3 Ungab recognized him as the one who sold him the dangerous drug. Moreover, the RTC found that the police officers complied with the chain of custody rule under Section

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<sup>16</sup> Records, Criminal Case No. 17848, p. 1.

<sup>17</sup> *Id.*

<sup>18</sup> Records, Criminal Case No. 17848, Order dated January 28, 2015, p. 26.

<sup>19</sup> CA *rollo*, pp. 49-59.

21, Article II of R.A. No. 9165. Accordingly, the integrity and evidentiary value of the seized items were preserved. Thus, the RTC disposed the case as follows:

**WHEREFORE**, premises considered, the Court hereby finds accused DONALD ARIMAO y Lazaga in

**CRIMINAL CASE NO. 06-17846 [SEC. 12]**

**GUILTY** beyond reasonable doubt for Violation of Section 12, Art. I of RA 9165 and is hereby imposed the penalty ranging from six (6) months and one (1) day to four (4) years and a fine of ten thousand pesos (P10,000.00).

The period of his preventive imprisonment shall be credited in full in the service of his sentence.

Meanwhile, Exhibits "G-1," "G-2," and "G-3" referring to the drug paraphernalia are ordered confiscated in favor of the government.

SO ORDERED.

**CRIMINAL CASE NO. 06-17847 [SEC. 11]**

**GUILTY** beyond reasonable doubt for Violation of Section 11, Art. II of RA 9165 and is hereby imposed the penalty ranging from twelve (12) years and one (1) day to fourteen (14) years of imprisonment and a fine of three hundred thousand pesos (P300,000.00).

The period of his preventive imprisonment shall be credited in full in the service of his sentence.

Meanwhile, Exhibit "K-1-1" referring to the one (1) sachet of *shabu* is ordered confiscated in favor of the government.

SO ORDERED.

**CRIMINAL CASE NO. 06-17848 [SEC. 5]**

**GUILTY** beyond reasonable doubt for Violation of Section 5, Art. II of RA 9165 and is hereby imposed the penalty of life imprisonment and a fine of five hundred thousand pesos (P500,000.00).

The period of his preventive imprisonment shall be credited in full in the service of his sentence.

Meanwhile, Exhibit "K" referring to the one (1) sachet of *shabu* is ordered confiscated in favor of the government.

SO ORDERED.<sup>20</sup>

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*Id.* at 58-59.

On appeal, the CA affirmed the Joint Decision rendered by the RTC in its Decision<sup>21</sup> dated July 13, 2018. The CA concurred with the findings of the RTC that the prosecution was able to sufficiently establish the commission of the crimes charged. The alleged inconsistency as regards the time when the buy-bust operation was conducted was brushed aside by the RTC for being immaterial because it did not affect the veracity of the claims of the police officers that Arimao was caught *in flagrante delicto* selling dangerous drugs.

The CA further held that the prosecution was able to prove that the integrity and evidentiary value of the seized items were preserved in the instant case as all the links in the chain of custody were accounted for.

Lastly, the presumption that the police officers regularly performed their duty prevails over Arimao's defenses of denial and frame-up. The CA took note of the fact that Arimao did not deny that he was at the crime scene. His instantaneous act of attempting to flee the scene militates against his claim of innocence. Moreover, his argument that he does not have control of the dangerous drug found inside the hotel room is a lame excuse and may even qualify as an implied admission of guilt on the part of Arimao. Thus, the CA disposed as follows:

**WHEREFORE**, the appeal is **DENIED**. The Joint Decision of the Regional Trial Court, Iligan City, Branch 6, dated 11 April 2017, is hereby **AFFIRMED**.<sup>22</sup>

Hence, the instant appeal.

Petitioner harps on the inconsistency of the testimony of the prosecution witnesses with respect to the time the buy-bust operation was conducted. He contends that such inconsistency supports the conclusion that the buy-bust operation could not have been conducted. Moreover, he alleges that the police officers did not comply with the requirement that they should coordinate with the PDEA. It would appear from the records of this case that the certificate of coordination was issued a week after the alleged conduct of the buy-bust operation.

With regard to the sachet of *shabu* found inside Room 210, petitioner asserts that it was not in his possession as he had neither dominion nor control over the said room. With the foregoing, petitioner prays for his acquittal of the charges filed against him.<sup>23</sup>

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<sup>21</sup> Rollo, pp. 24-39.

<sup>22</sup> CA rollo, p. 153.

<sup>23</sup> Rollo, pp. 10-21.

The Office of the Solicitor General (*OSG*) points out in its Comment<sup>24</sup> that petitioner raised factual issues, which is not proper in petitions under Rule 45 of the Rules of Court. In any event, the *OSG* counters that the prosecution was able to establish all the elements of the crimes charged. The alleged inconsistency had no effect on the existence of the buy-bust operation. Similarly, it is immaterial that it was not petitioner who booked Room 210, where he was caught selling the drugs, as the sachet of *shabu* was found “within the area of his immediate control.”

### *Issues*

#### I.

Whether the CA gravely erred in convicting Arimao of violation of Sections 11 and 12, Article II of R.A. No. 9165 because the prosecution failed to establish the element of possession; and

#### II.

Whether the CA gravely erred in convicting Arimao of violation of Section 5, Article II of R.A. No. 9165 as there was an attendant and persistent doubt behind the alleged conduct of buy-bust operation.

### *Our Ruling*

Upon a careful review of the records of this case, this Court finds the appeal to be meritorious.

Petitioner is charged with unauthorized sale and possession of dangerous drugs and drug paraphernalia, as defined and penalized under Sections 5, 11 and 12, Article II of R.A. No. 9165, allegedly committed on October 31, 2014. Accordingly, the applicable law is Republic Act No. 10640 (*R.A. No. 10640*), which amended R.A. No. 9165 and took effect on August 7, 2014.

It has been held that for an accused to be convicted of illegal sale of dangerous drugs, the prosecution must establish the following elements: “(a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.”<sup>25</sup>

On the other hand, a charge of illegal possession of dangerous drugs will only prosper if the following elements were established by the prosecution: “(a) the accused was in possession of an item or object identified

<sup>24</sup> *Id.* at 71-94.

<sup>25</sup> *People v. De Dios*, G.R. No. 243664, January 22, 2020. (Citation omitted).

as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.”<sup>26</sup>

In instances wherein an accused is charged with illegal possession of drug paraphernalia, the prosecution bears the burden of establishing the following elements:

- (1) possession or control by the accused of any equipment, apparatus or other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting or introducing any dangerous drug into the body; and
- (2) such possession is not authorized by law.<sup>27</sup>

Furthermore, it has been consistently held that in cases that fall under R.A. No. 9165, as amended by R.A. No. 10640, the dangerous drug confiscated from the petitioner comprises the *corpus delicti*.<sup>28</sup> Hence, the prosecution bears the burden of proving that the dangerous drugs that are presented in court are the same as the ones seized from the petitioner.<sup>29</sup>

Section 21, Article II of R.A. No. 9165 provides the procedure that must be observed in handling the seized dangerous drugs, controlled precursors, and essential chemicals, instruments, paraphernalia and laboratory equipment from the time these were confiscated, seized, or surrendered until they are presented as evidence in court. The chain of custody rule under the said provision has been summarized as follows:

x x x first, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and, fourth, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.<sup>30</sup>

R.A. No. 10640 now requires the conduct of physical inventory and photograph of the seized items immediately after seizure and confiscation to be done in the presence of the following: (1) accused or the person from whom the items were seized, or their representative or counsel; (2) an elected public official; and (3) a representative of the National Prosecution Service or the media.<sup>31</sup> The said insulating witnesses would then be required to sign and be given a copy of the inventory. Then, the seized drugs must be turned over to

<sup>26</sup> *Id.*

<sup>27</sup> *People v. De Lumen*, G.R. No. 240749, December 11, 2019, citing *People v. Obias, Jr.*, G.R. No. 222187, March 25, 2019, 898 SCRA 287, 302.

<sup>28</sup> *People v. Oliva*, G.R. No. 234156, 7 January 2019, 890 SCRA 106, 116.

<sup>29</sup> *People v. Oliva, id.*, citing *People v. Gallabayan*, 699 Phil. 240, 252 (2011).

<sup>30</sup> *People v. Gayoso*, 808 Phil. 19, 31 (2017), citing *People v. Nandi*, 639 Phil. 134, 144-145 (2010).

<sup>31</sup> *People v. Ramos*, G.R. No. 243944, March 15, 2021, citing Sec. 21 (1), Article II of R.A. No. 9165, as amended by R.A. No. 10640.

the PNP Crime Laboratory within 24 hours from confiscation for examination.<sup>32</sup>

The police officers must strictly comply with the chain of custody rule under Section 21, Article II of R.A. No. 9165, as amended by R.A. No. 10640. This is to ensure the preservation of the identity and integrity of the seized dangerous drugs, controlled precursors, and essential chemicals, instruments, paraphernalia and laboratory equipment.<sup>33</sup> The rationale for this strict compliance is because of the nature of the dangerous drugs that are prohibited under R.A. No. 9165, as amended. Judicial notice has been taken that these dangerous drugs are not readily identifiable by sight or touch. Also, these drugs “can easily be tampered with or substituted.”<sup>34</sup> Thus, the criminal charges under R.A. No. 9165, as amended, can be dismissed upon a mere showing that there were lapses in the handling of the *corpus delicti*.

Nevertheless, it has been acknowledged that strict observance of the procedure under Section 21, Article II of R.A. No. 9165, as amended, is not always possible.<sup>35</sup> All the same, nonobservance of the chain of custody rule will only be permitted upon showing that there was justifiable ground for the same and that the integrity and evidentiary value of the seized items had nonetheless been preserved.<sup>36</sup>

It was not clear from the facts and records of this case as to what happened to the seized items from the time they were transported from Celadon Pensionne House until they were turned over to the forensic chemist in the police crime laboratory.

First, the witnesses for the prosecution failed to state the name of the person who had custody of the seized items while they were transporting them from Celadon Pensionne House to the police station. Neither was there any showing as to how they ensured the integrity and evidentiary value of the seized items while they were in transit.

Second, from Celadon Pensionne House, it was not clear as to how the seized items were turned over to the police investigator, who was supposed to “conduct the proper investigation and prepare the necessary documents for the proper transfer of the evidence to the police crime laboratory for testing.”<sup>37</sup> PO3 Fernandez testified that PO3 Benjielou Tupas (*PO3 Tupas*) was their

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<sup>32</sup> See Section 21 (1) and (2), Article II of R.A. No. 9165.

<sup>33</sup> *People v. Asislo*, 778 Phil. 509, 517 (2016), citing *People v. Cayas*, 766 Phil. 534, 547-548 (2015).

<sup>34</sup> *People v. Guzon*, 719 Phil. 441, 459-460 (2013). (Citations omitted).

<sup>35</sup> *People vs. Gamboa*, 833 Phil. 1055, 1067 (2018), citing *People v. Sanchez*, 590 Phil. 214, 234 (2008).

<sup>36</sup> *People v. Año*, 828 Phil. 439, 450 (2018), citing *People v. Almorfe*, 631 Phil. 51 (2010); *People v. De Guzman y Danzil*, 630 Phil. 637, 647-648 (2010). *People v. Goco*, 797 Phil. 433 (2016).

<sup>37</sup> *People v. Del Rosario*, G.R. No. 235658, June 22, 2020, citing *People v. Dahil*, 750 Phil. 212 (2015).

investigator and that he accompanied them during the buy-bust operation.<sup>38</sup> However, it was not clear if the seized items were actually turned over to him when they reached the police station. This is especially true when, the request for laboratory examination was signed by their station commander, P/Insp. Lapiz and not by PO3 Tupas.<sup>39</sup>

Third, it can be gleaned from the chain of custody form that it was PO3 Ungab and PO3 Fernandez who delivered the items to the crime laboratory for examination.<sup>40</sup> Again, details are lacking as to how the seized items were turned over from PO3 Tupas and/or P/Insp. Lapiz to PO3 Ungab and PO3 Fernandez.

Fourth, the records of this case are bereft as to what happened to the dangerous drugs after they were examined by the forensic chemist, P/Insp. Tandog, until they were presented in court. Notably, the parties agreed on the following stipulations:

(1) That he received a Request for Laboratory Examination on Seized Drug Evidence marked as Exhibit "G" [for POSS & SALE]; (2) that together with the request were two small sachets marked as Exhibit "K-1-1" [for POSS, with pre-markings "DLA-1"] and Exhibit "K" [for SALE, with pre-markings "BB-DLA"]; (3) that after he conducted his laboratory examination on the drug evidence, he thereafter prepared Chemistry Report No. D-232-2014 [Exh. H, for POSS & SALE] concluding that "specimen A-1 (BB-DLA) and specimen "B-1" (DLA-1) contain methamphetamine hydrochloride (*Shabu*), a dangerous drug;" and (4) that he does not have any personal knowledge of the identity of the person from whom these items were allegedly recovered.<sup>41</sup>

It is not clear from the foregoing as to how P/Insp. Tandog ensured that integrity and evidentiary value of the seized items were preserved after he conducted the examination and before they were delivered to court. There is also nothing in the stipulations as to how the seized items were delivered to the court considering that P/Insp. Tandog did not testify in court.

In all, the prosecution failed to present any reason justifying noncompliance with the chain of custody rule. There have been several cases where this Court declared the act of the apprehending officer of keeping the seized items before delivering the same to the forensic chemist, instead of turning them over to the investigation officer, to be a break in the chain of custody of evidence.<sup>42</sup> Similarly, there have been several rulings of this Court

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<sup>38</sup> TSN, November 15, 2016, p. 20. Request for Laboratory Examination dated October 31, 2014, Criminal Case No. 17847, p. 31.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 40.

<sup>41</sup> *Id.* at 217.

<sup>42</sup> *People v. Bangcola*, G.R. No. 237802, March 18, 2019, 897 SCRA 330, 341, citing *People v. Remigio*, 700 Phil. 452 (2012).

where the absence of testimonial or documentary evidence as to how the seized items were secured by the forensic chemist until they were transferred to the RTC was considered to be a break in the chain of custody of evidence.<sup>43</sup>

The unaccounted links in the chain of custody of the seized drugs and drug paraphernalia open the likelihood that the pieces of evidence presented against petitioner were planted, switched, or tampered.<sup>44</sup> These also give a strong impression that the said pieces of evidence were mishandled.

Taken all together, these circumstances justly warrant a judgment of acquittal in the offense of illegal sale and possession of dangerous drugs and drug paraphernalia under Sections 5, 11 and 12, Article II of R.A. No. 9165, as amended by R.A. No. 10640.

The procedure under Section 21, Article II of R.A. No. 9165, as amended by R.A. No. 10640, cannot be brushed aside as a simple procedural technicality because it is “a matter of substantive law,”<sup>45</sup> especially in this case where the quantity of illegal drugs seized was only 1.0831 grams. While a minuscule amount of dangerous drug is not *per se* a badge of innocence and does not automatically entitle the petitioner to an acquittal, it has been recognized that such amount is highly susceptible to planting, tampering, or alteration. Hence, a stricter adherence to the rule on chain of custody must be observed.<sup>46</sup>

Thus, the failure of the police officers to adopt appropriate safeguards to preserve the integrity of the *corpus delicti* places the credibility of the evidence presented by the prosecution in serious doubt. With the doubts engendered by the paucity of the prosecution's evidence, this Court has no recourse but to give petitioner the benefit of doubt under the law and acquit him of the drug charges imputed against him.

**WHEREFORE**, the petition is **GRANTED**. The Decision dated July 13, 2018 and Resolution dated February 12, 2019 rendered by the Court of Appeals in CA-G.R. CR HC No. 01752-MIN are hereby **REVERSED** and **SET ASIDE**. Petitioner Donald Arimao y Lazaga is hereby **ACQUITTED**.

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<sup>43</sup> *People v. De Lumen*, *supra* note 27.

<sup>44</sup> *People v. Lumaya*, 827 Phil. 473, 487 (2018), citing *People v. Viterbo*, 739 Phil. 593, 601 (2014).

<sup>45</sup> *People v. Año*, *supra* note 36 at 452, citing *People v. Macapundag*, 807 Phil. 234, 244 (2017).

<sup>46</sup> *People v. Comoso*, G.R. No. 227497, April 10, 2019, citing *People v. Holgado*, 741 Phil. 78 (2014).

He is ordered **RELEASED** from confinement unless he is being held for some other legal grounds.

Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director General of the Bureau of Corrections is directed to report to this Court, within five (5) days from receipt of this Resolution, the action he has taken. Copies shall also be furnished to the Police General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

The Regional Trial Court is directed to turn over the seized sachets of *shabu* to the Dangerous Drugs Board for destruction in accordance with law.

Let entry of final judgment be issued immediately.

**SO ORDERED.”**

By authority of the Court:

*Misael D C Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  01/7/22

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